

REMARKS

Now pending are claims 10, 13, 14, 15, 16, and 17. Claim 10 is amended to add the feature regarding the formation of the electrolyte having constituents, among other things, an electrolyte salt in a precise concentration as it relates to the plasticizer. Support is found on page 12. While Gao may mention a plasticizer, it does not mention the electrolyte salt mixture nor the electrolyte salt dissolution concentration.

Accordingly, the claims are not anticipated. Because no range in Gao is suggested or taught, Gao would not form any basis for single reference obviousness either. It is noted that Gao problem that he addresses has to do with structural integrity issues related to long webs rolled into cyclinders. His solution is to blend various compounds that achieves the result of large scale processing and handling. The instant invention, however, deals with the problem associated with ensuring contact between materials in the battery for the purposes of reducing discharge problems. That is, maintaining close contact is necessary for the purposes of maintaining excellent charge/discharge cycling. The success of the present invention is shown in FIG. 1, in the prior Rule 132 affidavit, and in the specification. Thus, where the problems and solutions of the prior art are different from the problems and solutions of the instant invention, this is strong evidence of nonobviousness. In Re Dembiczak, 175 F.3d 994, 998, 50 USPQ2d 1614, 1616 (Fed. Cir. 1999) (“We have noted that evidence of a suggestion, teaching, or motivation to combine may flow from ... the nature of the problem to be solved, see Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc., 75 F.3d 1568, 1573, 37 USPQ2d 1626, 1630 (Fed. Cir. 1996), Para-Ordinance Mfg. v. SGS Imports Intern., Inc., 73 F.3d 1085, 1088, 37 USPQ2d 1237, 1240 (Fed. Cir. 1995)”). As such, when combining the Rule 132 affidavit, plus the showing of exceptional results and that the problems are different, nothing in the Gao or the other cited art render the claims unpatentable.

CONCLUSION

The applicants request allowance of the claims. As usual, if the Examiner desires to expedite prosecution, the Examiner is free to call the undersigned.

Respectfully submitted,



Shashank Upadhye
Registration No. 48,209

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SONNENSCHEIN NATH & ROSENTHAL
P.O. Box #061080
Wacker Drive Station
Sears Tower
Chicago, IL 60606-6404
(312) 876-2622

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